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OFFICE OF PETITIONS

In re Patent No: 5,788,843
Issue Date: August 4, 1998
Application No. 08/893,558
Filed: July 11, 1997
Patentee(s): Carl Richard Larrabee Jr., et.al.

ON PETITION

A petition under 37 CFR 1.378(c) was filed on September 26, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **dismissed**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (1) above.

With regard to item (1) above, a Statement under 37 CFR 3.73(b) was filed on September 26, 2011, which states that the City of Cocoa has the entire, right, title and interest in the above patent. However, a review of the assignment records located in the United States Patent and Trademark Office (USPTO), discloses that inventors CARL RICHARD LARRABEE JR., DAVID ALAN KING, EVERETT JOHN WEGERIF, WILLIAM POWELL NAIRN and HERSHEL WILLIAMSON assigned their rights to City of Cocoa, Florida by virtue of assignment recorded at reel/frame number 009436/0975 on July 24, 1998, and the remaining two inventors, GARY LYNN HELLER and GLYNN ALAN LEFFLER assigned their rights to KLH Environmental Services, LLC by virtue of assignment recorded at reel/frame number 013177/0473 on May 7, 2002. Therefore, since the assignment records of the USPTO discloses that the City of Cocoa, Florida does not own the entire right, title and interest of the above-identified patent, the statement of unintentional delay cannot be accepted at this time.

Additionally, part B of the Statement under 37 CFR 3.73(b) is incomplete. Specifically, the complete chain of title from the original owners to the current patent holders is missing. Thus, part B of the form must be completed and signed by an authorized authority of the assignee of both companies or petitioner must provide evidence that would establish that the City of Cocoa, Florida is the assignee of entire right, title and interest¹.

¹ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title must be submitted for recordation pursuant to 37 CFR 3.11.

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It is noted that the correspondence address of record differs from the address given in the present petition. A courtesy copy of this decision is being mailed to the address in the petition. Thereafter, all future communications from the Office will be directed solely to the address of record unless otherwise instructed.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 35 U.S.C. 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

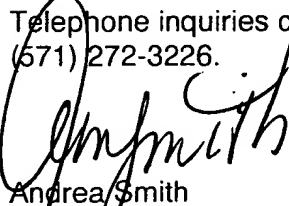
Further correspondence with respect to this matter should be addressed as follows:

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By hand: Customer Service Window
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The Centralized facsimile number is (571) 273-8300, and documentation to this number should be addressed to the Office of Petitions.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: John A. Walsh, II, P.E.
 351 Shearer Blvd.
 Cocoa, FL 32922